

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 439

Press

~~Mis.~~

482 433

Dated

28.2.1943

Not to be folded or roughly handled

W.S.

*Proceedings of the Madras Government, Revenue Department,
23th February 1863.*

No. 432. Read the following Proceedings of the Board of Revenue, dated 21th February 1863:—

Read the following letter from P. GRANT, Esq., Collector of Coimbatore, to W. HUDLESTON, Esq., Secretary to the Board of Revenue, dated Ootacamund, 19th February 1863, No. 35.

SIR,

1. With reference to the Proceedings* of Government, Revenue Department, communicated by the Board on the 11th December 1862, I beg to be informed, whether paragraph 5 of the Rules for the sale of Government lands on the Neilgherry Hills may not be temporarily modified. Two Surveyors are I believe on their way to the Hills, it is however of importance that the applicants for land should obtain possession of the same at an early date, as the felling season is passing away. Many of the lands applied for are in distant parts of the Hills, and some time must necessarily elapse ere they are surveyed and demarcated.

2. Under these circumstances I request that I may be allowed to put up the lands to auction before they have been surveyed on the understanding that the applicants have clearly demarcated them, and that on the completion of the regular survey, any excess land shall be paid for at the auction price or resumed by Government, as may be deemed expedient.

3. This modification of the Rules will not be necessary after the present season. An early reply is requested.

Ordered to be submitted for the decision of Government.

(A true Copy and Extract.)

(Signed) W. HUDLESTON, Secretary.

No. 433. ORDER THEREON, 28th February 1863, No. 439.

1. With these Proceedings the Board of Revenue submit a letter from the Collector of Coimbatore, in which that Officer requests to be informed whether Clause 5 of the Rules for the sale of lands on the Neilgherries which enjoin that no land shall be sold until or unless it has been previously surveyed and demarcated, may not be temporarily modified, because it is of importance that the applicants for land should obtain possession of the same at an early date as the felling season is passing away. Mr. Grant adds that two Surveyors are on their way to the Hills, but that many of the lands applied for are in distant parts of the Hills and some time must necessarily elapse before they are surveyed and demarcated.

2. Competent Surveyors are scarce in this Presidency, and the temporary character of the employment connected with the survey of waste lands renders the few that are to be found unwilling to leave other service. The regular survey cannot be weakened by drafting its best men from their parties. Meanwhile, however, if a remedy is not promptly applied, the applicants will lose a whole season, a result very much to be deprecated. The emergency, it may be remarked, is only temporary, and will cease as soon as the large number of applications, received in the interval between the publication of the Resolution of the Government of India and the issue of final orders on the subject, is disposed of.

3. Under these circumstances the Government resolve temporarily to relax the Rule alluded to at the outset, and until a sufficient number of competent Surveyors are procured to survey lots without serious delay but on the following conditions, viz:—

I. The estimated cost of survey and boundary marks to be deposited before land.

II. The purchaser to bind himself by a written Deed to conform to the rules, to pay any survey expenses incurred in excess of the deposit, and to abide by the decision of Government as to any excess which may be found in his lot on survey, whether that decision be the absolute resumption of the excess without any refund or reduction of survey deposit or purchase money,

*Proceedings of the Madras Government, Revenue Department,
28th February 1863.*

or whether it be the inclusion of the excess in the lot, a rateable addition being then made to the purchase money. On the other hand, if the area of the lot as ascertained by survey prove to be less than the estimated area declared at the time of sale a rateable reduction will be made in the purchase money. When an assessment is payable on the land, its amount will in all cases be regulated by the extent of land made over to the purchaser.

III. No lot to be sold until good boundary marks are set up, and special care is to be taken by the Collectors that in fixing these boundary marks, no encroachment is made on lands belonging to private persons.

4. The order now given is in some measure contrary to the instructions of the Secretary of State. The Government of India in their original Resolution provided for lands being sold previous to survey, but the Secretary of State (paragraph 11 of his Despatch, 9th July 1862, enclosed) quoting the Bengal Rules said, "I am of opinion that this provision should be modified. * * * If the land is unsurveyed, the first step will be to survey it." The Governor in Council is however of opinion that the precautions to be taken pursuant to this Order, and especially the previous erection of boundary pillars, satisfy the requirements of the Secretary of State's Despatch sufficiently to allow Government to sanction the course now ordered.

5. This order will apply only to the Districts of Coimbatore and Malabar, in which alone there will be difficulty at first in surveying the lands applied for without very great delay.

6. The Board of Revenue will, in communication with Mr. Dale, draw up and forward the necessary deeds to the Collectors as soon as possible.

7. These Proceedings will be reported to the Government of India and the Secretary of State with the other recent orders regarding the sale of Waste Lands.

(Signed.) J. D. SIM,
Secretary to Government.

NOTE

In the letter submitted by the M^d for the order of M^d, Mr. Park & Co. present to be in forward the then Rule 5 of the Rules for the sale of lands on the Nilgahs may not be temporarily modified - This rule enjoin that no lot shall be sold until or unless it has been previously surveyed & demarcated.

Two Surveyors with chain men have been sanctioned for the hills - but they have not yet arrived - and when they do arrive they will not be able to survey all the applications for purchase. Meanwhile the felling season is slipping

away.

The same diff-
-ficultly is being felt
I know by Mr. Ballen
in Wymah.

For Surveyors are
scarce - and the
temporary character
of this employment
renders the fees that
are to be found un-
-willing to leave other
service.

The regular survey
cannot be weakened
by drafting its best
men here & there.

Lieut. C. Wood bids
the Govt. encourage
various Companies
who are going to embark
in Cinchona planting.
Let us see and
when first cry of
cattle will be for land.

Under these cir-
-cumstances it seems
more than probable
that the purchase re-
-the

II - The purchaser to bind himself by a written contract
to conform to the rules to pay any survey pro-
-cesses incurred in case of the deposit & to
abide ~~by~~ by the decision of Govt. as to any excep-
-tion which may be found in his
lot on survey, whether that decision be the
absolute resumption of the excess without any
refund or reduction of survey deposit or
purchase money, or whether it be the inclu-
-sion of the excess in the lot, a rateable ad-
-dition being then made to the purchase
money. - On the other hand if the area
of the lot as ascertained by Survey prove
to be less than the ^{estimated} area declared at the time
of sale a rateable reduction will be made
in the purchase money. - The then surplus
- amount is payable on the land, its amount
will in all cases ~~depend~~ be regulated by the
extent of land made over to the purchaser. -
J. O.

at of the
Survey is to
that no collision
to the rights of other
we must guard them
- Mr.

- cess which may
be found in his
lot on Survey - whether
that decision be the

away.

The same Def.
-ficiency is being felt

I h " " " "

in the...
for...
Sc...
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one...
are...
-his...
Ser...
Can...
by...
me...
the...
Sa...
who...

in Cinchon a planting.
Lea... and
whose first cry of
Cure will be for lead.

Under these cir-
cumstances it seems
bore that put may
with the propriety re-
-lay the rule at the
out-set, when competent
Surveyors are not pro-
-curable - and indeed
if this is not done, things
will be a dead lock.
With the following
Conditions I see no
material risk - 13.

I. The estimated cost
of survey & boundary
marks to be deposited
before possession is
given.

II. The purchaser to
bind himself by
a written deed

to pay any survey expenses incurred in case of the deposit
to abide by the decision
any proprietary claims which may be advanced to the land & as to
of Mr. as of any Ex.

- cost which may
be found in his
Est on Survey - whether
that decision be the

Note.
The great object of the
preliminary survey is to
make sure that no collision
occurs with the rights of other
parties & we must guard them
against - W.

absolute resumption
of the ~~excess~~ without
any ~~reduction~~ or ~~reduction~~
survey deposit, pur-
chase money or an-
nual assessment
or the inclusion of
the excess in the
lot, a rateable ad-
dition being made
to the purchase money
and to the annual
assessment.

III. No lot to be sold
until good boundary
marks are set up.

The first condition
prevents from
survey expenses.

This is the grand point -
The revenue authorities are
to be responsible that
sufficient boundary marks
are set up, and that they
are of a permanent
character. I would put
this strongly.

I think this is the principle
of the

over-estimating the
size of blocks - wherever
there is no ground for
sin

III - No lot to be sold until good boundary
marks are set up - and special care
is to be taken by the collectors that
in fixing these boundary marks, no
encroachment is made on lands
belonging to private persons. -

This relaxation
seems to me to be
necessary & safe.
But it is opposed

absolute assumption
of the facts without
any evidence of

See [faded text]
-ch [faded text]
-men [faded text]
or to [faded text]
the [faded text]
lot [faded text]
-dit [faded text]
to the [faded text]
are [faded text]
also [faded text]
III. [faded text]
the [faded text]
the [faded text]
for [faded text]
to [faded text]

against any at-
tempt to evade the
maximum of lots
1500 acres by [faded text]

27

over-estimating the
size of blocks - where
there is no ground for
inferring such estate
the land would be
thrown into the lot, the
purchase money & ass't
being proportionately
increased - where
ground was manifest,
the excess would be
returned - The land
would be put up as
bounded by such &
such marks & be held
to contain so many
acres assessed at
so much.

The 3^d condition
presents disputes as
to the position limits
of the blocks. This relaxation
seems to me both
necessary & safe.
But it is applied

The land could always
be imagined to roughly
be measured so that the
result should not be far from
correct. & so that no lot
much more than 500
acres should be put up.

to Sir Charles Wood
 orders. The original
 resolution of Lord
 Carnarvon provided
 for lands being sold
 previous to survey -
 the Madras rule
 framed on that re-
 solution made the
 same provision only
in special cases,
 it being manifestly
 best to survey first
 if it could be done
 without much delay.
 Sir Charles Wood
 (para 11 of his despatch
 of July 1862, enclosed)
 states the Bengal rule
 and says: "I am
 of opinion that this
 provision should be
 modified. If
 it had been similar

- In my opinion the precau-
 - tions proposed to be taken in
 this draft, & especially the pre-
 - vision of boundary
 pillars, which the require-
 - ments of Sir C Wood's despatch
 sufficiently ^{ought to sanction} to allow of the course
 recommended in the special
 instances of Wynaud & the
 Belpharries to guard against
 delay. - I have made three
 suggestions for the wording
 of Condition II

Ull
 & quite correct M JF

legged, the first step
 will be to survey it.
 This is clear enough
 but Sir Charles
 Wood probably did
 not take into ac-
 - count the diffi-
 - culty at the outset
 of obtaining sur-
 - veys -

If the Govt. con-
 - sider the despatch
 final, the only thing
 to be done will be
 to tell the H. of R.
 & Major Priestley
 to do all they can
 to provide surveys.

Orders repeated

L.D.S.
 25/2

Revenue Department

N^o 439

Proceedings of the Madras Government
Under date the 28th February 1863.

Read the following
Proceedings of the Board
of Revenue.

Submitting for decision a
proposal from the Collector of
Coimbatore for a temporary
modification of parts of the
rules for the sale of Govern-
ment lands on the Nilgherries.

(Here enter 24th February/63)

With these Proceedings
the Board of Revenue sub-
mit a letter from the Coll^r
of Coimbatore in which that
Officer
requests to be informed whether
Clause V of the rules for
the sale of lands on the
Nilgherries which en-
joins that no lot shall
be sold until or unless
it

it has been previously
surveyed and demar-
cated, may not be
temporarily modified,
because it is of im-
portance that the ap-
plicants for land
should obtain possession
of the same at an
early date as the
felling season is
passing away. Mr.
Grant adds that two
Surveyors are on their
way to the Hills, but
that

that many of the
lands applied for are
in distant parts of
the Hills and sometimes
must necessarily elapse
before they are surveyed
and demarcated.

2. The Government
have given the subjects
their careful considera-
tion and they understand
that the Collector of
Malabar is under
the same difficulty
in regard to land

~~a relaxation of~~
~~some change in the~~ ~~competent~~ ~~competent~~
~~competent~~ ~~competent~~ ~~competent~~

in this Presidency
are scarce and
the temporary character
of the employment con-
nected with the survey
of waste lands renders
the few that are to be
found unwilling to leave
other services. The
regular survey
cannot be weak-
ened by drafting

its best men from their parties.
Meanwhile, however, if
a remedy is not promptly
applied, the applicants
will lose a whole season
under a result very much to
be deprecated. The con-
sequence, it may be re-

-marked, is only tem-
-porary, and will
cease as soon as the
large number of ap-
-plications, received
in the interval between
the publication of the
resolution of the Govt
of India and the
issue of final orders
on the subject, ~~are~~
disposed of.

3. Under these cir-
-cumstances the Govt
-vernment resolves
temporarily
to relax the rule
alluded to at the
out-set, ~~and~~ ~~until~~
a sufficient number of
competent survey-
-ors are procured
survey etc. without
serious delay
but with the fol-
-lowing conditions:

I. The estimated cost
of survey and bound-
-ary marks to be
deposited before in
hand

hand.
~~possession is given.~~

II. The purchaser
to bind himself
by a written deed
conform to the rules,
to pay any survey
expenses incurred in
receipt of the deposit,
to abide by the decision
of Govt as to any
~~primary claims which~~
~~may be advanced to~~
~~the land and as to any~~
except which
may be found
in his lot on a
survey whether
that decision be the
absolute

1 or 2 purchase money,
~~or annual assessment~~
~~whether it be~~

absolute resumption
of the excess without
any refund or reduction
of ~~the~~ ^{survey} deposit ~~for the~~
~~inclusion~~ the inclusion
of the excess in the
lot, a rateable ad:

On the other hand, if the area
of the lot as ascertained by survey
proves to be less than the estimate
made and declared at the time
of sale a rateable reduction will
be made in the purchase money.
When an assessment is payable
on the land, its amount will
in all cases be regulated by the
extent of land made over
to the purchaser.

dition being ^{then} made to
the purchase money,
and to the annual
assessment.
No lot to be
sold until good boundary
marks are set up, & special
The revenue

1 Care is to be taken by the
Collectors that in fixing these authorities will be
boundary marks, no encroachment
is made on land belonging
to private persons.

held responsible for
setting up suffi:
ent boundary marks
of a permanent
character

The

4. The order now
given ~~is~~ is in some
measure contrary
to the instructions
of the Secretary of
State. The govt of
India, provided for
lands being sold ⁱⁿ
previous to Survey,
but ~~the Secretary of State~~
~~but in Charles Wood~~
para 11 of his Des-
patch 9th July 1862,
(enclosed) quoting the
Bengal rule said,
"I am of opinion that
this provision
should be
modified. *** If
the land is un-
surveyed, the first

in their original
resolution

step will be to ^{the}
Survey it. - ~~This~~
~~Excellent~~ The Govt
nor in Council
^{however} is of opinion that the
precautions to
be taken pursuant
to this order, and
especially the
previous erection
of boundary ^{the}
pillars, satis-
fy the require-
ments of ~~the~~
~~Secretary of State~~
~~Charles Wood~~
despatch suffi-
ciently to allow
fact

Pro. of the Dept. of the
Copy in a Letter to the
of 22nd May 1863

-27-9-24.

Pro. of the

Revenue 1863 Dept.
Pro. of Govt. for February.

N: 439.

Pro. B. of Rev. dated 16th
February 1863.

Pro. of the Madras Govt.
of 28 February 1863.

Board Pro 21 June 1863

Pro of the Board of Rev.
of 13 June 1863 c no. 11,000

Pro. B. of Rev. of 20th June 1863
Pro. B. of Rev. of 14 June 1863

Letter from the Collr. of
Commission requesting to be
informed whether paragraph
5 of the Rules for the sale of
lands on the city herries may
be temporarily modified with
orders thereon -

led

N: 432 & 433.